

MONTANA LEGISLATIVE HISTORY

Chapter 54 19 65

Bill H 133 S _____ Original bill & history C

H. Committee on Public Health, W & S S. Committee on Judiciary

Hearing Date(s) _____ C Hearing Date(s) _____ C

2-1 ☒ C

2-18 ☒ C

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Date Out _____ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

House Bill #53, which was in sub-committee, was re-presented by Mr. O'Leary, Chairman of the sub-committee, with proposed amendments. The committee moved to adopt the amendments and also moved to pass House Bill #53 as so amended.

Mr. Jensen moved that House Bill #117 "Do Pass" and Mr. Ulmer seconded the motion. The committee voted and it passed.

Mr. Healy made a motion that House Bill #118 "Do Pass" that was seconded by Mr. Prevost. The committee voted and it passed.

Mr. Schepens moved that House Bill #291 "Do Not Pass". The motion was seconded and passed.

Mr. Healy moved that the proposed amendments to House Bill #122 be adopted. Mr. Schepens seconded the motion and it passed. Mr. Prevost then moved that House Bill #122 "Do Pass" as amended and it was seconded by Mr. East. The committee voted and it passed.

Mr. Jensen made a motion that the proposed amendments to House Bill #395 be adopted. It was seconded by Mr. Schepens. Mr. Crum then moved the bill "Do Pass" as amended. It was seconded by Mr. O'Leary and passed.

Mr. Hall made a motion that House Bill #294 "Do Pass" with Mr. Flynn seconding the motion. It passed.

Mr. Ulmer moved that House Bill #296 "Do Pass". Mr. Tooke seconded the motion and the committee voted all in favor.

Mr. O'Leary moved that House Bill #297 "Do Not Pass". Prevost seconded the motion and it passed.

Mr. Hall moved that House Bill #133 "Do Pass". Mr. Schepens seconded the motion and the committee voted all in favor.

The next order of business was House Bill #295. Discussion followed in which Mr. Healy moved that it be turned over to legal council. Mr. Ulmer stated that the bill be studied more closely regarding the abolition of liquor permits. Mr. Schepens suggested that the \$.50 charge be changed to \$1.00.

Mr. Jensen moved that House Bill #295 "Do Not Pass". Mr. Schepens seconded the motion. Mr. Bashor proposed that a Majority Report and Minority Report be made up.

The Majority Report was made up in the following names:

- Millo Jensen
- Fred Schepens
- Forrest Crum
- Walter Ulmer
- E. A. Swanz
- John Hall
- Robert Prevost
- Richard Tooke

.....February 2....., 1965.....

MR. SPEAKER:

We, your Committee on.....Public Health, Welfare & Safety.....
having had under consideration.....House.....Bill No. 133.....

32-2177

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 32-2177
OF THE REVISED CODES OF MONTANA, 1947, RELATING TO PEDESTRIANS'
RIGHT OF WAY IN CROSSWALK; REPEALING ALL ACTS AND PARTS OF ACTS
IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That.....House.....Bill No. 133.....

Do Pass.

SENATE JUDICIARY COMMITTEE MEETING - February 18, 1965
Senator Mahoney, Chairman
Senator Dussault, Vice Chairman

The meeting was called to order by the Chairman, Senator Mahoney. All of the committee members were present.

Appearing before the committee in support of House Bill No. 133 were Mr. John Bonner, an attorney from Helena, representing the State Department of the American Legion Legislative Committee, and Everett Cummings, Representative from Judith Basin County, and author of the bill. They informed the committee that the bill sets up a school patrol system in the state of Montana. The bill is copied after the Minnesota law and is approved by the Committee on Education.

Appearing before the committee in support of House Bill No. 451 were John E. Healy, Representative from Silver Bow County and author of the bill; Mr. Tom Clavin, President of Alpha Industries of Helena, and Mr. John Bonner, an attorney from Helena, representing Alpha Industries. They informed the committee that this bill would bring new industry into Montana and employ at least 20 men and women and bring into the state approximately \$150,000.00. They informed the committee that Alpha Industry would sell only to the Montana Liquor Board and that it would be federally bonded and licensed. Mr. Bonner said that the principal purpose of this bill was to clarify the existing law and would enable the Liquor Board to give Alpha Industry a permit.

Appearing before the committee in support of House Bill No. 451 were John E. Healy, Representative from Silver Bow County and author of the bill; Mr. Tom Clavin, President of Alpha Industries of Helena, and Mr. John Bonner, an attorney from Helena, representing Alpha Industries. They informed the committee that this bill would bring new industry into Montana and employ at least 20 men and women and bring into the state approximately \$150,000.00. They informed the committee that Alpha Industry would sell only to the Montana Liquor Board and that it would be federally bonded and licensed. Mr. Bonner said that the principal purpose of this bill was to clarify the existing law and would enable the Liquor Board to give Alpha Industry a permit.

Appearing before the committee in support of House Bills 436, 437 and 438 were W. R. McNamer, Representative from Yellowstone County, and Mr. Dan Dykstra, Trust Officer of the Union Bank of Helena. Mr. McNamer went through the bills with the committee and briefly explained each one. House Bill No. 436 attempts to clarify sections of the present law and relates to the compensation of trustees and provides for reasonable compensation under the circumstances. House Bill No. 437 also attempts to clarify sections of the present law and relates to the payment of trustees' annual compensation out of income and trustees' final termination commissions out of the principal. House Bill No. 438 relates to the retention by trustees of securities and other property received into the trust. Mr. Dykstra informed the committee that the Testamentary Trust charge is $\frac{1}{2}$ of 1% on the first \$250,000.00; drops to $\frac{2}{5}$ of 1% on the next \$750,000.00 and is \$3.00 a thousand over a million. These figures represent the annual fees.

After consideration of House Bill No. 133 by the committee, Senator Huntley made a motion, seconded by Senator McGowan, that the committee recommend that House Bill No. 133 be concurred in. The motion was carried.

After consideration of House Bill No. 451, Senator Turnage made a motion and was seconded by Senator Huntely, that the committee recommend that House Bill No. 451 be concurred in. The motion was carried.

After consideration of House Bill No. 436, it was moved by Senator Huntely, seconded by Senator Turnage, that the committee recommend that House Bill No. 436 be concurred in.

February 18, 1962

MR. PRESIDENT:

We, your Committee on Judiciary

having had under consideration House Bill No. 133

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 32-2177 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO PEDESTRIANS' RIGHT OF WAY IN CROSSWALK; REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That House Bill No. 133

BE CONCURRED IN

DO PASS

otherwise have under any laws of this state, but shall be construed as cumulative.

State planning
board—advice.

Section 10. The state planning board shall furnish advice and information in connection with a project when requested to do so by a county or municipality.

Validity of act.

Section 11. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Approved February 24, 1965.

CHAPTER 52

An Act to Amend Section 32-2173 of the Revised Codes of Montana, 1947, to Require the Driver of a Motor Vehicle Entering a Highway from an Approach Ramp to Yield the Right of Way to All Approaching Traffic.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 32-2173 of the Revised Codes of Montana, 1947, is amended to read as follows:

Vehicle entering
highway to yield.

"32-2173. **Vehicle entering highway from private road, driveway or public approach ramp.** The driver of a vehicle about to enter or cross a highway from a private road, driveway or public approach ramp shall yield the right of way to all vehicles approaching on said highway."

Approved February 25, 1965.

CHAPTER 53

An Act Requiring the Inclusion of a Fiscal Note in All Bills Having an Effect on the Revenues, Expenditures or Fiscal Liability of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Revenue bills—
fiscal notes—
when.

Section 1. All bills reported out of a committee of the legislative assembly having an effect on the revenues, expenditures or fiscal liability of the state, except appropriation measures carrying specific dollar amounts, shall

include a fiscal note incorporating an estimate of such effect. Fiscal notes shall be requested by the presiding officer of either house, who shall determine the need for the note at the time of introduction.

Section 2. The state budget director, in cooperation with the agency or agencies affected by the bill, is responsible for the preparation of the fiscal note and shall return same within six (6) days.

State budget
director.

Section 3. A completed fiscal note shall be submitted by the budget director to the presiding officer who requested it, who shall refer it to the committee considering the bill. If the bill is printed, the note shall be mimeographed and placed on the members' desks.

Completed
fiscal note.

Section 4. Fiscal notes shall, where possible, show in dollar amounts the estimated increase or decrease in revenues or expenditures, costs which may be absorbed without additional funds, and long-range financial implications. No comment or opinion relative to merits of the bill shall be included; however, technical or mechanical defects may be noted.

Fiscal notes
—to show.

Section 5. A fiscal note also may be requested on a bill by:

Requested
fiscal notes.

(1) A committee considering the bill, or

(2) A majority of the members of the house in which the bill is to be considered, at the time of second reading; providing, however, section 5 of this act shall not apply six (6) days before the close of transmittal of bills and/or shall not apply after the fifty-fourth day.

Section 6. The budget director shall make available on request to any member of the legislative assembly all background information used in developing a fiscal note.

Background
information.

Approved February 25, 1965.

CHAPTER 54

An Act to Amend Section 32-2177 of the Revised Codes of Montana, 1947, Relating to Pedestrians' Right of Way in Crosswalk; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 32-2177 of the Revised Codes of Montana, 1947, be amended to read as follows:

Pedestrians' right of way in crosswalk—limitation.

"32-2177. **Pedestrians' right of way in crosswalk.** (a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated in section 32-2178(b).

Vehicle stopped at crosswalk—overtaking vehicles.

"(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

School children crossing a street—unlawful to drive—where.

"(c) *It is unlawful for any person to drive a motor vehicle through a column of school children crossing a street or highway or past a member of the school safety patrol while the member of the school safety patrol is directing the movement of children across a street or highway and while the school safety patrol member is holding his official signal in the stop position.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall take effect from date of its passage and approval.

Approved February 25, 1965.

CHAPTER 55

An Act to Revise the Commercial Fertilizer Law by Amending Section 3-1715 and 3-1727, R. C. M. 1947; Providing a Registration Fee for Soil Amendments;

Providing That All Fees be Deposited in the Earmarked Revenue Fund; Providing for Penalties for Violations of the Commercial Fertilizer Act; and Repealing Sections 3-1701, 3-1702, 3-1703, 3-1704, 3-1705, 3-1706, 3-1707, 3-1708, 3-1709, 3-1710, and 3-1711, R. C. M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 3-1715, R. C. M. 1947, is hereby amended to read as follows:

Amending clause.

"3-1715. (a) Each brand and grade of commercial fertilizer and each 'soil amendment' shall be registered before being offered for sale, sold or distributed in this state. The application for registration shall be submitted to the commissioner on a form furnished by the commissioner and shall be accompanied by a fee of thirty-five dollars (\$35) per brand and ten dollars (\$10) per grade for each fertilizer and for each soil amendment guaranteeing plant nutrients and claiming value as a fertilizer. The registration fee shall be five dollars (\$5) for each soil amendment making no guarantees for plant nutrients or claims for fertilizer value. All fees collected shall be deposited in the state treasury to the credit of the earmarked revenue fund and shall be used for the expenses of administering this act. Upon approval by the commissioner, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year. The application shall include the following information:

Commercial fertilizer to be registered before sale.

Fees.

Registration fees.

Use of fees.

Application to include.

(1) The brand and grade.

(2) The guaranteed analysis.

(3) The sources from which the nitrogen, phosphorus and potassium are derived.

(4) The commissioner may require a manufacturer of commercial fertilizer or soil amendment to furnish additional information if the foregoing does not adequately describe the fertility value claimed and/or the composition of the product.

(5) The name and address of the registrant.

(b) A distributor shall not be required to register any brand or grade of commercial fertilizer which is already registered under this act by another person.

Prior registration.